IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

R. C. Rev..No. 349 of 2007

RCA.77/2005 of I ADDL.DISTRICT COURT, ERNAKULAM
RCP.31/2004 of III ADDL.M.C.EKM (RENT CONTROL)
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PETITIONERS/APPELLANTS/RESPONDENTS/TENANTS
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1. M/S. THE UNITED INDIA INSURANCE CO. LTD.,
REGIONAL OFFICE, REPRESENTED BY ITS
REGIONAL MANAGER, 'SHARANYA',
HOSPITAL ROAD, ERNAKULAM.

2. THE CHAIRMAN-CUM-MANAGING DIRECTOR,
THE UNITED INDIA INSURANCE CO. LTD.,
REGD. OFFICE 24, WHITES ROAD,
CHENNAI.

BY ADV. SRI.T.J.LAKSHMANAN IYER
SMT.SREELEKHA.S.KUMAR
SRI.T.GOPALAKRISHNAN

RESPONDENTS/RESPONDENT/PETITIONER

MARY BABY,
W/O BABY,
AGED 55 YEARS,
VETTUKATTIL BUILDINGS,
M.G.ROAD, ERNAKULAM.

BY ADV. SMT.AYSHA YOUSEFF

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

H.L. DATTU, CJ. & K. M. JOSEPH, J.

R.C.RV. NO. 349 OF 2007

Dated this the 29th November, 2007

ORDER

H.L. DATTU, CJ.

Though the matter is posted for admission, with the consent of the learned counsel appearing for the parties to the lis, is taken up for final hearing.

2. Petitioners before us are the tenants of the premises belonging to the respondent herein.

3. The respondent is the landlady. She had filed Rent Control Petition No.31/04 before the IIIrd Additional Munsiff & Rent Control Court, Ernakulam. The learned Munsiff by his order dated 21.12.2004, allowed the Rent Control Petition and directed the tenants/petitioners before us, to vacate the building and deliver vacant possession of the premises in their occupation, to the landlady within two months from the date of the order. Aggrieved by that order, the tenants had carried the matter in Rent Control Appeal No.77/05. The Rent Control Appellate Authority by order dated 23.8.2007 has rejected the Appeal. However, granted three months' time to the tenants to quit the building and deliver vacant possession of the premises to the landlady. Aggrieved by the said concurrent findings, the tenants are before us in this Rent Control Revision Case.

4. We need not have to go into the merits or demerits of the orders passed by the Rent Control Appellate Authority as well as by the learned Munsiff, for the reason that the tenants have now filed an Affidavit before us agreeing to vacate the building and to deliver vacant possession of the premises to the respondent/landlady on or before 26.11.2008..

5. The contents of the Affidavit is not disputed by the learned counsel for the landlady. She has no objection to grant the time sought for by the tenants, for

vacating the premises.

6. In view of the above, we pass the following:

Order

1) The Rent Control Revision Case is disposed of.

2) The Affidavit filed by the petitioners is placed on record.

3) Petitioners shall quit and deliver vacant possession of the premises in their occupation to the respondent/landlady on or before 26.11.2008.

4) Petitioners shall not seek for any further extension of time.

5) Petitioners shall continue to pay the rental payable to the landlady without committing any default whatsoever.

6) Consequently, I.A. No.2922/07 is dismissed.

7) I.A.No.2923/07 is closed.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

kbk.